

1 TRINETTE G. KENT (State Bar No. 025180)
2 10645 North Tatum Blvd., Suite 200-192
3 Phoenix, AZ 85028
4 Telephone: (480) 247-9644
5 Facsimile: (480) 717-4781
E-mail: tkent@lemb erglaw.com

6 Of Counsel to
7 Lemberg Law, LLC
A Connecticut Law Firm
8 1100 Summer Street
9 Stamford, CT 06905
Telephone: (203) 653-2250
10 Facsimile: (203) 653-3424

11 Attorneys for Plaintiff,
12 Douglas Lee

13
14 UNITED STATES DISTRICT COURT
15 FOR THE DISTRICT OF ARIZONA
16

17 Douglas Lee,

Case No.:

18 Plaintiff,

COMPLAINT

19 vs.

21 Virtuoso Sourcing Group, LLC,

JURY TRIAL DEMANDED

22 Defendant.

23

25

26

27

28

1 Plaintiff, Douglas Lee (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following complaint against Virtuoso Sourcing Group, LLC (hereafter
3 “Defendant”) and alleges as follows:

5 **JURISDICTION**

6 1. This action arises out of Defendant’s violations of the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

8 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28
9 U.S.C. § 1331.

10 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
11 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
12 where Defendant transacts business in this district.

13 **PARTIES**

14 4. Plaintiff is an adult individual residing in Laveen, Arizona, and is a
15 “person” as defined by 47 U.S.C. § 153(39).

16 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

17 6. Defendant is a business entity located in Glendale, Colorado, and is a
18 “person” as the term is defined by 47 U.S.C. § 153(39).

19 7. Defendant uses instrumentalities of interstate commerce or the mails in a
20 business the principle purpose of which is the collection of debts and/or regularly
21 collects or attempts to collect debts owed or asserted to be owed to another, and is a
22 “debt collector” as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
be owed to a creditor other than Defendant.

9. Plaintiff's alleged obligation arises from a transaction in which property,
services or money was acquired on credit primarily for personal, family or household
purposes, is a "debt" as defined by 15 U.S.C. § 1692a(5).

10. At all times mentioned herein where Defendant communicated with any
person via telephone, such communication was done via Defendant's agent,
representative or employee.

11. In or around April of 2015, Defendant contacted Plaintiff in an attempt to
collect a debt.

12. During a live conversation, Plaintiff informed Defendant that the alleged
debt belongs to his spouse and unequivocally requested that further calls to Plaintiff's
phone cease.

13. Defendant responded by offering Plaintiff a settlement on the alleged
debt.

14. Plaintiff repeated his request that further calls cease and informed
Defendant that it needed to contact his spouse.

15. In or around March of 2015, Defendant, despite Plaintiff's earlier request
and for no legitimate purpose other than to harass and annoy Plaintiff, again contacted
Plaintiff regarding his spouse's alleged debt.

16. In or around the same time, Plaintiff spoke with a supervisor named Victor and informed him that Defendant was harassing him in violation of the law.

17. Victor responded in a glib, sarcastic and demeaning manner by challenging Plaintiff to “prove” that Defendant violated the law and proceeded to request payment on the debt “in-full”.

18. When Plaintiff pointed out to Victor that his “proof” could be found in Defendant’s recording of the calls, Victor responded by suggesting that Defendant could delete those recordings and stated that Plaintiff could not “prove anything”.

COUNT I

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15
U.S.C. § 1692, et seq.**

19. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

20. The FDCPA was passed in order to protect consumers from the use of abusive, deceptive and unfair debt collection practices and in order to eliminate such practices.

21. Defendant attempted to collect a debt from Plaintiff and engaged in
“communications” as defined by 15 U.S.C. § 1692a(2).

22. Defendant engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

23. The foregoing acts and/or omissions of Defendant constitute violations of the FDCPA, including every one of the above-cited provisions.

24. Plaintiff has been harmed and is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
 - B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
 - C. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3);
 - D. Punitive damages; and
 - E. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

DATED: July 15, 2015

TRINETTE G. KENT

By: /s/ Trinette G. Kent
Trinette G. Kent, Esq.
Lemberg Law, LLC
Attorney for Plaintiff, Douglas Lee